IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 208 of 2007

Noorhajan Habib Shaikh .. Petitioner

versus

State of Maharashtra & Ors. .. Respondents

...

Mr.V.B. Ghorpade for the petitioner.

None for the respondents.

CORAM : D.G. KARNIK, J

DATED : 26th April 2007.

P.C.:

1. Heard.

2. The grievance of the petitiner is that inspite of repeated applications, the respondents have refused to incorporate his name in the property records in relation to CS 162, Hissa No.3(p) situate at Ghatkopar (W) Mumbai.

3. Despite of repeated query by the Court,

learned advocate is unable to point out any information having been furnished to the concerned authorities about acquisition of any right as such in favour of the petitioner in relation to the property in question which is the pre-requisite for entertaining the applicants for the mutating entry in respect of any property in terms of section 149 of the Land Revenue Code, based on which it is claimed that the petitioner had applied to the respondent. In the absence of disclosure of acquisition of any right to the property, no fault can be found for not attending to the applications filed by the petitioner. No case of any failure on the part of the respondents in performance of their duty under section 149 of the Land Revenue Code is made out and therefore there is no case for interference in writ jurisdiction.

4. Petition is rejected.

(R.M.S.KHANDEPARKAR, J)

(D.G. KARNIK, J)